



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re DIGITAL MUSIC ANTITRUST  
LITIGATION

x  
: MDL Docket No. 1780  
: ~~06~~ <sup>md</sup> 1780  
: ~~06~~ 1780  
x

**NOTICE OF APPEAL**

PLEASE TAKE NOTICE that plaintiffs Richard Benham, Sheri Clark, Rachel Hall, Mitchell Horton, Keaton Landry, Christopher Michaud, Lisa Owens, David Paschkett, Matthew Putnam, Cynthia Seley, and Kevin Starr hereby appeal to the United States Court of Appeals for the Second Circuit from the Opinion dated October 9, 2008 granting Defendants' motion to dismiss the Second Consolidated Amended Complaint and denying Plaintiffs' motion to amend paragraph 99 of the Second Consolidated Amended Complaint and the Judgment entered in this action on the 21<sup>st</sup> day of October, 2008.

Dated: New York, New York  
November 19, 2008

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